IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 8817 of 2004(Y)

PETITIONER:

SAHADEVAN.R.PILLAI, RAJESWARY SADANAM, PUTHUPPADY..P.O., MOOVATTUPUZHA, NOW RESIDING AT RAMANUJ HOUSING SOCIETY, CHINCHUPAD, KALYANI EAST TANE DISTRICT, MAHARASHTRA.

BY ADV. SRI.A.CHERIAN

RESPONDENTS:
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1. SALES OFFICER, KOTTAPPADY SERVICE CO-OPERATIVE BANK, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETY (GENERAL), KOTHAMANGALAM.

2. SECRETARY, SERVICE C0-OPERATIVE BANK, MATHIRAPPALLY.

3. RAJENDRAN PILLAI, KONDAKATHU HOUSE, KADAVALLOOR.P.O., KUNNAMKULAM, TRICHUR DISTRICT.

BY ADV. SRI.P.V.BABY --R2
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8817/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ATTACHMENT DT. 26/2/2004.

EXT.P2. COPY OF THE SETTLEMENT DEED OBTAINED FROM THE FATHER OF THE PETITIONER.

EXT.P3. COPY OF THE SALE DEED OF KOTHAMANGALAM SUB REGISTRY IN SURVEY NO. 1483/5 DT. 9/10/95.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE AWARD DT. 13/07/01 IN ARC 1849/2001 BY R1.

EXT.R2B. COPY OF THE AWARD DT. 13/07/2001 IN ARC 1861/2001 BY R1.

EXT.R2C. COPY OF THE SUMMONS IN EXECUTION APPLICATION IN ARC 1849/01 BY R1.

EXT.R2D. COPY OF THE SUMMONS IN EXECUTION APAPLICATION IN ARC 1861/01 BY R1.

EXT.R2E. COPY OF THE LAWYER NOTICE DT. 3/3/2004 ISSUED ON BEHALF OF THE R3 TO R2.

EXT.R2F. COPY OF THE REPLY NOTICE DT. 8/3/2004 IN REPLY TO EXT.R2E. SENT ON BEHALF OF THE R2.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No. 8817 of 2004

Dated this the 26th February, 2007.

J U D G M E N T

Petitioner is aggrieved by the recovery steps initiated by the 1st respondent. According to the petitioner, the seizure of the articles from the petitioner and steps taken against the petitioner are without jurisdiction. He is not liable for the liability of the 3rd respondent. These are all for the petitioners to bring to the notice of 1st respondent in a claim petition since articles are already seized.

2. In the above circumstances, this writ petition is disposed of as follows:

3. In the event of the petitioner approaching the 1st respondent in a claim petition within a period of two months from today, the matter will be duly considered by the 1st respondent with notice to 2nd and 3rd respondent and appropriate orders in accordance with law will be passed within a period of four months. Subject to the petitioner thus approaching the 1st respondent within a period of two months from today, the interim order passed on 15.3.2004 by this Court will continue till orders are passed by the 1st respondent.

(KURIAN JOSEPH, JUDGE)

ma/

KURIAN JOSEPH, J.

OP No.

JUDGMENT

13th March, 2006